

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

In re:
Timothy Wayne Davis,

Debtor.

Case No. 23-50915-KMS

Chapter 13

**MOTION FOR RELIEF FROM AUTOMATIC STAY
TO THE EXTENT OF INSURANCE COVERAGE**

Now into Court comes Movant, Anthony Clark, Jr. (“Clark”), by and through his attorneys, The Stubbs Law Firm, PLLC, and respectfully moves this Honorable Court for relief from the automatic stay pursuant to Title 11, U.S.C. §362, and to abandon the property pursuant to Title 11, U.S.C. §554, as to liability insurance proceeds that would satisfy Clark’s claims asserted in pre-petition litigation in the Circuit Court of Covington County, Mississippi, and in support thereof states as follows:

1. On or about August 1, 2022, Clark was involved a motor vehicle wreck with the Debtor, Timothy Wayne Davis in Covington County, Mississippi. As a result of the incident, Clark suffered personal injuries, including, but not limited to, neck pain.

2. Debtor is a potential defendant in a lawsuit that would be filed in The Circuit Court of Covington County, Mississippi, that would allege in part that the debtor caused or contributed to the injuries of sustained by Clark as a result of the incident that occurred US Highway 84 in Covington County, Mississippi.

3. Debtor filed his petition, pursuant to Chapter 13, on June 28, 2023.

4. At the time of the incident, Debtor was insured by an automobile insurance policy through Direct General Insurance Company of Mississippi, which at all times was in full force and effect.

5. Debtor does not own an interest in the insurance proceeds from liability insurance policies covering the acts and omissions of the Debtor as would be alleged in the personal injury litigation, and therefore said proceeds are not property of this bankruptcy estate.

6. Relief from the automatic stay should, therefore, be granted in order to allow Clark to pursue any and all claims for negligence to the extent of the limits provided by the available insurance coverage.

WHEREFORE, PREMISES CONSIDERED, Anthony Clark, Jr., respectfully requests that this Honorable Court issue an order granting relief from the automatic stay pursuant to Title 11, U.S.C. §362, and to abandon the property pursuant to Title 11, U.S.C. §554, in order to allow Clark to proceed with his claims against the Debtor, Timothy Wayne Davis, to the extent of the insurance coverage available to Debtor for the acts and/or omissions alleged in the claims of Anthony Clark, Jr.

Dated: September 6, 2023.

Respectfully submitted,

Anthony Clark, Jr., Movant

By: s/Kannan Stubbs
Counsel for Movant

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing, via email to the following:

David Rawlings, Trustee – efcnotices@rawlings13.net

Thomas Carl Rollins, Jr. – trollins@therollinsfirm.com
Counsel for Debtor

Office of the United States Trustee – ECF_USTPRegion05.JA.ECF@usdoj.gov

I certify that I have this day served a true and correct copy of the foregoing by U.S. Mail, postage prepaid, and/or electronic transmission to the following:

None

This the 6th day of September, 2023.

s/Kannan Stubbs

KANNAN STUBBS, MB No. 103492